

House File 492 - Introduced

HOUSE FILE 492

BY GUSTOFF

A BILL FOR

1 An Act relating to the transfer of certain motor vehicles by
2 operation of law, including associated odometer disclosure
3 statements.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.47, subsection 2, Code 2023, is
 2 amended to read as follows:

3 2. a. The persons entitled under the laws of descent and
 4 distribution ~~of an intestate's property~~ to the possession and
 5 ownership of a vehicle owned in whole or in part by a decedent
 6 who died intestate, upon filing an affidavit stating the name
 7 and date of death of the decedent, the right to possession
 8 and ownership of the persons filing the affidavit, and that
 9 there has been no administration of the decedent's estate,
 10 which instrument ~~shall~~ must also contain an agreement by the
 11 affiant to indemnify creditors of the decedent who would be
 12 entitled to levy execution upon the motor vehicle to the extent
 13 of the value of the motor vehicle, ~~are entitled shall~~, upon
 14 ~~fulfilling complying with~~ the other title transfer requirements
 15 of this chapter, ~~to the issuance of~~ be issued a registration
 16 card for the decedent's interest ~~of the decedent~~ in the vehicle
 17 and a certificate of title to ~~it~~ the vehicle. If a decedent
 18 ~~dies~~ died testate, and either the will is not probated or
 19 is admitted to probate without administration, the persons
 20 entitled to the possession and ownership of a vehicle owned
 21 in whole or in part by the decedent may file an affidavit
 22 and, upon ~~fulfilling complying with~~ the other title transfer
 23 requirements of this chapter, ~~are entitled to the issuance~~
 24 ~~of~~ shall be issued a registration card for the decedent's
 25 interest ~~of the decedent~~ in the vehicle and a certificate of
 26 title to the vehicle. The affidavit ~~shall~~ must contain the
 27 same information and indemnity agreement as is required in
 28 cases of intestacy ~~pursuant to~~ under this section subsection.
 29 ~~A requirement of chapter~~ Chapter 450 ~~shall not be considered~~
 30 is not satisfied by the filing of the affidavit provided for
 31 in this section subsection. If, from the records in the
 32 office of the county treasurer, there appear to be any liens
 33 on the vehicle, the certificate of title ~~shall~~ must contain a
 34 statement of the liens unless the application is accompanied by
 35 proper evidence of ~~their~~ the satisfaction or extinction of such

1 liens. Evidence of extinction ~~may consist of,~~ includes but is
 2 not limited to, an affidavit of the applicant stating that a
 3 security interest was foreclosed as provided in chapter 554,
 4 article 9, part 6. The department shall waive the certificate
 5 of title fee and surcharge required under sections 321.20,
 6 321.20A, 321.23, 321.46, 321.52, and 321.52A if the person
 7 entitled to possession and ownership of a vehicle, as provided
 8 in this subsection, is the surviving spouse of a decedent.

9 b. An affiant under this subsection is the agent of the
 10 owner of the vehicle solely for the purpose of completing
 11 the odometer disclosure statement under section 321.71 and
 12 regulations promulgated under 49 U.S.C. ch. 327, and found
 13 in 49 C.F.R. pt. 580. The affiant may submit any required
 14 odometer disclosure statement together with the affidavit
 15 required by this subsection.

EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
 18 the explanation's substance by the members of the general assembly.

19 Under current law, a certificate of title cannot be issued
 20 for a motor vehicle which is equipped with an odometer by
 21 the manufacturer, unless an odometer statement which is in
 22 compliance with federal law and regulations has been made
 23 by the transferor of the vehicle and is furnished with the
 24 application for certificate of title, or unless an exemption
 25 applies under federal regulations.

26 If a decedent owned a motor vehicle, a person entitled
 27 under the laws of descent and distribution to the possession
 28 and ownership of the vehicle may file an affidavit stating the
 29 name and date of death of the decedent, the person's right to
 30 possession and ownership of the vehicle, and that there has
 31 been no administration of the decedent's estate, and, upon
 32 fulfilling the other requirements of Code chapter 321, is
 33 then entitled to the issuance of a registration card for the
 34 decedent's interest of the vehicle and a certificate of title
 35 to the vehicle. This affidavit process is available regardless

1 of whether the decedent had a will.

2 This bill makes an affiant under Code section 321.47(2)
3 the agent of the owner of the vehicle solely for the purpose
4 of completing the odometer disclosure statement required
5 under Code section 321.71 and federal regulations. The
6 bill authorizes the affiant to submit any required odometer
7 disclosure statement together with the affidavit required by
8 Code section 321.47(2).